

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES JACOBSON, JR., et al.,

Plaintiffs,

v.

RAGNAR PETTERSSON, et al.,

Defendants.

No. CV6-1117 MJP

ORDER DENYING PLAINTIFFS'
MOTION TO STRIKE ANSWER

This matter comes before the Court on Plaintiffs' Motion to Strike the Answer Filed by Officer Les Brooks. (Dkt. No. 15). Plaintiffs argue that (1) they were not served with the answer by conventional means, and (2) the answer does not conform to the "E-Govt Act: personal identifiers" or to the local rules of this Court regarding protection of minor children's names. Defendant Brooks has not filed a response. Having reviewed the materials submitted by Plaintiffs, the Court DENIES Plaintiffs' Motion to Strike.

Discussion

1. Filing of Answer

Plaintiffs allege that they were not properly served with Defendant's Answer. Prior to August 24th, 2006, Plaintiff Jacobson (proceeding pro se) was not signed up to receive electronic notification of filing through CM/ECF. Defendant Brooks filed his answer electronically on August 23rd, 2006. It appears from the record that Defendant Brooks did not serve Plaintiffs with the answer by conventional means; Defendant Brooks has not suggested otherwise. Under Fed. R. Civ. P. 5(b), Defendant did not properly serve Plaintiffs with his answer.

Plaintiffs argue that the Court should strike Defendant's answer on the grounds that Defendant did not provide proper service. But Plaintiffs do not provide any legal authority that

1 would justify such an extreme remedy. FRCP 5 does not require the Court to strike papers that were
2 not properly served.

3 Plaintiff is now notified electronically of all documents filed through CM/ECF. As of August
4 24th, 2006, Plaintiffs had access through CM/ECF to all documents previously filed electronically.
5 On September 11th, 2006, the Court issued an order that referenced Defendant Brooks' answer. And
6 on October 9th, 2006, Defendant Brooks filed a redacted version of his answer through CM/ECF.
7 The Court finds that Plaintiff has been properly notified of and served with Defendant Brooks'
8 answer.

9 **2. Names of Minor Children**

10 Plaintiffs also argue that Defendant's answer should be stricken because it violated the "E-
11 Govt Act: personal identifiers" and the local rules of this Court regarding a party's right to privacy
12 and confidentiality. On October 3rd, 2006, the Court issued a Minute Order informing the parties that
13 it was sealing already filed documents that violated this Court's Public Access to Electronic Case
14 Files General Order dated May 29th, 2003. (Dkt. No. 29). Pursuant to that order, Defendant Brooks'
15 answer was sealed. The Court also ordered the parties to file redacted versions of the sealed
16 documents. On October 9th, 2006, Defendant Brooks filed a redacted version of his answer. (Dkt.
17 No. 42).

18 Plaintiffs' concerns regarding the privacy and confidentiality rights of the minor children
19 mentioned in this action have been addressed through the Court's May 29th, 2006, Minute Order.
20 Defendant's answer should not be stricken on these grounds.

21 **Conclusion**

22 For the reasons discussed above, the Court DENIES Plaintiffs' Motion to Strike Defendant
23 Brooks' Answer.

24 Dated this 13th day of October, 2006.

25 

26 Marsha J. Pechman
United States District Judge